



3. Plaintiff H.H. is the biological daughter of Plaintiff Brian Hogan.
4. Defendant Scott Lindsay is a citizen and resident of Cherokee County, North Carolina
5. For a period of more than 18 years, encompassing 2007 through 2017 Defendant Lindsay served as the DSS (Department of Social Services) Attorney for Cherokee County.
6. In 2014 Defendant Lindsay became full time Attorney for both CCDS and Cherokee County.
7. During 2016 and 2017, in addition to his duties as DSS Attorney, Defendant Lindsay also served as the County Attorney for Cherokee County.
8. At the times relevant to this lawsuit, Defendant Lindsay was an attorney, licensed to practice law in North Carolina as authorized by the North Carolina State Bar.
9. Defendant Lindsay had and has received specific training related to being a lawyer for a Department of Social Services in North Carolina.
10. Defendant Cindy Palmer is a citizen and resident of Cherokee County, North Carolina.
11. Defendant Palmer was the Director of Social Services for Cherokee County on an interim basis from November 30, 2009 until July 2010, and again from August 1, 2015 until March 23, 2016 and was the permanent Director of

Social Services from March 23, 2016 until June 11, 2018. Palmer started her employment at Cherokee County DSS March 31, 1998.

12. Defendant Palmer was trained in rules, regulations, policies, and procedures promulgated by the NCDHHS and associated North Carolina law.
13. Defendant Palmer was either the acting Interim Director or Director of the Cherokee County Department of Social Services during the investigation and litigation of the juvenile action involving Brian Hogan and H.H.
14. Defendant Cherokee County is a political subdivision of the State of North Carolina.
15. The Director of Social Services is the final policy maker for the Defendant County for social services.
16. On September 14, 2015, Cherokee County DSS filed a petition in the District Court of Cherokee County alleging that H.H. was a juvenile within the jurisdiction of that court and was abused, neglected, or dependent.
17. Following an investigation, the Honorable Tessa Sellers, North Carolina District Court Judge the Judge assigned to hold District Court in Cherokee on January 14, 2016 entered an Order in file number 15-JA-73, placing H.H. into Brian Hogan's custody.
18. A final written Order was entered by Judge Sellers on April 1, 2016.

19. In the Spring of 2016, Amanda Edmonson (the biological mother of H.H.) developed a severe heart problem and had to be hospitalized for an extended period of time in Asheville, NC.
20. Brian Hogan went to be with Edmonson while she was hospitalized.
21. Plaintiff Brian Hogan arranged to leave H.H. with neighbors because he could not care for H.H. while he was in Asheville with Edmondson.
22. While H.H. was staying with the neighbors, her school made a report to DSS about a concern with H.H.'s care.
23. DSS received a report that H.H. was abused, neglected, or dependent on April 18, 2016.
24. As part of this investigation, on May 3, 2016, H.H.'s principal, Kim Worley, informed Cherokee County DSS that H.H. smelled of cat urine at school, and that she was concerned for H.H.'s safety.
25. This report ultimately prompted Cherokee County DSS to open an investigation into whether H.H. was an abused, neglected, or dependent juvenile.
26. Social Worker Katie Johnson, also called Katie Brown, of Cherokee County DSS was initially the social worker assigned to this H.H. investigation.
27. Later, Cherokee County Social Worker Laurel Smith was assigned to this H.H. investigation.

28. Brian Hogan signed the presented Custody and Visitation Agreement, and the notarial acknowledgement indicates the agreement was signed on November 21, 2016.

29. Following the signing of this agreement, H.H. lived with Warren Hogan until December 13, 2017.

30. On December 7, 2017, a motion was filed with the district court of Cherokee County on Brian Hogan's behalf to enforce the April 1, 2016 Order that gave custody of H.H. to Brian Hogan.

31. That motion was heard on December 13, 2017 before the Honorable Monica Leslie, North Carolina District Court Judge.

32. Judge Leslie entered an order on December 13, 2017, that held the Custody and Visitation Agreement invalid and not enforceable or binding and stated that Plaintiff Hogan had custody of H.H.

33. Brian Hogan regained custody of H.H. immediately thereafter.

Jointly and respectfully submitted, this the 29th day of April, 2021.

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## **CERTIFICATE OF SERVICE**

This is to certify that on April 29, 2021, a copy of the foregoing JOINT STIPULATIONS was served on all counsel having made appearances in the case via the CM/ECF system.

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